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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,028	03/30/2001	Srinivas Gutta	US 010108	5540

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,028

Applicant(s)

GUTTA ET AL.

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) filed on 7/26/2001 has been considered by the examiner.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (Page 16 line 11). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (US 6,748,237).
5. Regarding claim 1, Bates teaches an entertainment receiver including a tuner arrangement (See Fig. 1 Receiver 10, Tuner 1, 18, Tuner 2, 32 and Col.4 lines 24-33), a controller for the tuner arrangement (See Fig. 1 CPU 12 and Col. 3 lines 9-24), the controller including a signal storing arrangement for storing at least one preference for

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program content type of a user of the receiver (See Fig. 1 Memory 14 and Col. 2 lines 11-27, Col. 3 lines 9-24, Col. 4 lines 66-77 and Col. 5 lines 1-10), the controller and the tuner arrangement being coupled to each other for deriving, in response to received program content, a signal for enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user (See Fig. 8 and Col. 8 lines 63-67 and Col. 9 lines 1-35).

6. Regarding claim 2, Bates teaches wherein the tuner arrangement includes plural tuners (See Fig. 1 Tuner 1, 18, Tuner 2, 32 and Col.4 lines 24-33), the controller being arranged for activating a first of the tuners through a gamut of frequencies (Col. 8 lines 63-67 and Col. 9 lines 1-35 "scans tuner 32 forward to the next available station"), a program content type classifier connected to be responsive to said first tuner (See Fig. 8 Steps 204 206 and Col 3 lines 9-24, Col. 9 lines 1-35 Program of CPU or Hardwired logic identifies program), the controller being arranged to be responsive to the program content type classifier (See Fig. 8 Step 206 Col. 9 lines 1-35 Controller executes different steps depending on classification of program), and the stored program content type preference for deriving the signal (See Fig. 8 Step 206 Col. 9 lines 1-35 Controller executes different steps depending on whether or not program is a favorite).

7. Regarding claim 3, Bates teaches the entertainment receiver further including a signal-level detector connected to be responsive to the amplitude of a signal passing through second tuner dropping below a threshold for activating the controller to derive an output for enabling the second tuner to be tuned to pass a carrier frequency of a

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program source having a program content type corresponding with the preference for the program type of the user and which has a amplitude above the threshold (See Fig. 5-7 Steps 138, 174, 194, 196, Col 3 lines 9-24, Col. 7 1-35 Col. 8 lines 22-67. Signal level detector is implemented in control program or hardwired logic. If the signal strength of signal passed thru tuner 18 is below a threshold new station routine is preformed. New station routine switches tuner 18 to a new station which has signal strength above the threshold and contains user preferred program content).

8. Regarding claim 4, Bates teaches wherein the controller is arranged for causing the output to activate the tuner to said carrier frequency (See Col. 8 lines 54-56).

9. Regarding claim 5, Bates teaches wherein the controller is arranged for causing the signal to activate the tuner arrangement to be tuned to said carrier frequency (See Fig. 8 Step 212 and Col. 9 lines 14-16 Switching to a station is activating tuner to be tuned to said carrier frequency).

10. Regarding claim 6, Bates teaches the entertainment receiver further including a signal level detector connected to be responsive to the amplitude of the signal having the carrier frequency of the program source having a program content type corresponding with the preference for the program type of the user dropping below a threshold for activating the controller to cause the tuner arrangement to be tuned to pass a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user and which has an amplitude above the threshold (See Fig. 5-7 Steps 138, 174, 194, 196, Col 3 lines 9-24, Col. 7 1-35 Col. 8 lines 22-67. Signal level detector is implemented in control program

or hardwired logic. If the signal strength of signal passed thru tuner 18 is below a threshold new station routine is preformed. New station routine switches tuner 18 to a new station which has signal strength above the threshold and contains user preferred program content).

11. Regarding claim 7, Bates teaches wherein the signal storing arrangement stores at least one preference for program content type in response to input signals associated with inputs of the user derived from sources other than received program content (See Col. 9 lines 49-52).

12. Regarding claim 8, Bates teaches wherein the signal storing arrangement stores at least one preference for program content type in response to received program content (See Col. 5 lines 3-10).

13. Regarding claim 9, Bates teaches wherein the signal storing arrangement stores at least one preference for program content type in response to input signals associated with inputs of the user derived from sources other than received program content and received program content (See Col. 9 lines 49-52).

14. Regarding claim 11, Bates teaches the entertainment receiver further including a display connected to be responsive to the signal for displaying an indication of at least one of said carrier frequency and the program content type of said program source (See Fig. 2 and Col. 4 lines 44-67, Col. 5 lines 1-10).

15. Regarding claim 12, Bates teaches a method of tuning an entertainment receiver comprising storing at least one signal indicative of preferred program content type for a user of the receiver (See Col. 4 lines 66-77 and Col. 5 lines 1-10 "songs stored in

favorites list"); determining, in response to received and detected program content type, program content type of a plurality of program sources received by the receiver (See Fig. 8 Step 204 and Col. 9 lines 1-16); comparing the program content type of the plurality of program sources received by the receiver with the stored at least one signal indicative of preferred program content type for a user of the receiver (See Fig. 8 Step 206 and Col. 9 lines 1-16); and activating the receiver so a received program source with the preferred program content type is presented to the user (See Fig. 8 Step 212 and Col. 9 lines 1-16).

16. Regarding claim **13**, Bates further teaches activating a first tuner of the receiver through a gamut of frequencies (See Fig. 8 Step 202 and Col. 9 lines 1-16), classifying the program content type of program segments passed through the first tuner for frequencies in the gamut of frequencies (See Fig. 8 Step 204 and Col. 9 lines 1-16), performing the comparing step in response to the classified program content type passed through the first tuner (See Fig. 8 Step 206 and Col. 9 lines 1-16), and performing the activating step by setting a second tuner to pass a carrier frequency of a received program source with the preferred program content type (See Fig. 8 Step 212 and Col. 9 lines 1-16).

17. Regarding claim **14**, Bates further teaches changing the carrier frequency passed by the second tuner to a carrier frequency of another received program source with the preferred program content type in response to the amplitude of the signal level passed by the second tuner dropping below a threshold level (See Fig. 8 Step 208 Col. 9 lines 1-16).

18. Regarding claim **15**, Bates further teaches changing the program source tuned to by the receiver to another received program source with the preferred program content type in response to the amplitude of the received program source dropping below a threshold level (See Fig. 6-7 Steps 178, 180, 196 and Col. 8 lines 14-62).

19. Regarding claim **16**, Bates further teaches wherein the changing step is performed by performing the determining, comparing and activating steps (See Fig. 5, 7 Steps 146, 152, 196 and Col. 7 lines 1-60 Col. 8 lines 30-62).

20. Regarding claim **17**, Bates further teaches storing the program content type signals by supplying to a storage arrangement a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user (See Fig. 5 Step 144, 150 and Col. 7 lines 1-60).

21. Regarding claim **18**, Bates further teaches storing the program content type signals resulting from received program content by supplying to a storage arrangement a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user (See Fig. 5 Step 144, 150 and Col. 7 lines 1-60).

22. Regarding claim **19**, Bates further teaches storing the program content type signals by supplying to a storage arrangement a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user and signals resulting from received program content (See Fig. 5 Step 144, 150 and Col. 7 lines 1-60).

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23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims **10** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Finseth (US 6,813,755).

25. Regarding claim **10**, Bates differs from the claimed invention in that his invention is embodied for a single user and fails to disclose support of plural users. However, an entertainment receiver storing at least one preference for each of plural predetermined users and further including an input device for enabling identification of which of the predetermined users is using the receiver is well known in the art as disclosed in Finseth (See Fig. 3, 5 and Col. 7 lines 19-29 and Col. 11 lines 2-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the entertainment receiver of Bates to store at least one preference for each of plural predetermined users and further including an input device for enabling identification of which of the predetermined users is using the receiver, the controller being arranged to be responsive to the input device for tuning the receiver to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the identified user in view of the teachings of Finseth in order to provide user specific preferences in an entertainment receiver with multiple users (See Finseth Col. 11 lines 21-23).

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26. Regarding claim **20**, Bates' method differs from the claimed method in that his method is embodied for a single user and fails to disclose storing at least one preference for each of plural predetermined users, identifying which of the predetermined users is using the receiver, and tuning the receiver to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the identified user. However, an entertainment receiver storing at least one preference for each of plural predetermined users and further identifying which predetermined user is using the receiver is well known in the art as disclosed in Finseth (See Fig. 3, 5 and Col. 7 lines 19-29 and Col. 11 lines 2-23). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates' method of tuning an entertainment receiver so that it included storing at least one preference for each of plural predetermined users, identifying which of the predetermined users is using the receiver, and tuning the receiver to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the identified user in view of the teachings of Finseth in order to provide user specific preferences in an entertainment receiver with multiple users (See Finseth Col. 11 lines 21-23).

Double Patenting

27. Applicant is advised that should claim **7** be found allowable, claim **9** will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing

one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

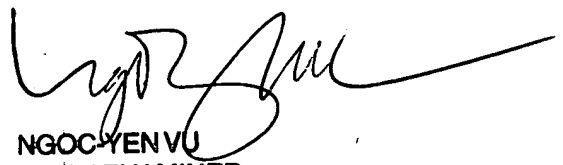
Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday 8-5.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 1/31/2005


NGOC YEN VU
PRIMARY EXAMINER